

CLIENTS' RIGHTS AND OBLIGATIONS

1. You are responsible for assisting in your own defense. This means you have the responsibility of keeping in contact with me, informing me of any changes in your address/phone number, and providing me with requested information as quickly as possible. This information could be the time of the contact, what was discussed and what happened as a result. This information could be crucial down the road, if DCFS claims you never kept in contact with your worker or never visited your child(ren).
2. Keep a journal of all contacts you have with DCFS, including all visits with children, and all the times you try to call DCFS but cannot reach your caseworker. Write down the date and time of the contact, what was discussed and what happened as a result. This information could be crucial down the road, if DCFS claims you never kept in contact with your worker or never visited your child(ren).
3. If your children are placed into the custody of the Division of Child and Family Services, you will be responsible for paying child support to the State. The amount you pay will depend upon the amount of money you make. It is your responsibility to contact the Utah Office of Recovery Services at 536-8500, and notify them that your child(ren) have been taken into State's custody. As your court appointed juvenile attorney, I cannot assist you in your dealings with the Office of Recovery Services.
4. When you come to Court for a hearing, dress as nicely as possible. It is important to show the court that you take these proceedings seriously.
5. **Removal of the child**--Utah law permits that DCFS to remove a child from his/her home if there is reason to believe the child is not being properly cared for in his/her home. Ordinarily, the police or child protection worker will remove the child. Once removed, the child may be placed in a shelter home, or with relatives.
6. **Shelter Hearing**--There must be a shelter hearing before a juvenile court judge, within three working days after a child is removed from his home. Ordinarily, this is the first time a parent appears in court and meets the attorney. At this hearing another attorney, called a Guardian ad Litem, is appointed to represent the best interest of the child.

At the Shelter hearing the court must decide two issues: (1) whether DCFS should have removed the child in the first place, and (2) whether the child should be kept out of the home until trial. At the Shelter hearing DCFS will file a "petition". The petition states why DCFS believes the child is not properly cared for in the home.

7. **Pre-Trial**--Within fifteen (15) days after a child is removed from his/her home, there must be a pretrial on the petition. At the Pre-Trial, the attorney for DCFS, the attorney for

the parents and the Guardian ad Litem will attempt to reach a settlement of the petition. If a settlement is not reached, the court will set the matter for trial.

8. **Trial**--Within sixty (60) days after a child is removed from his/her home, there must be a trial on the petition. At Trial, DCFS will try to convince the court that the statements in the petition are true and that the child(ren) is neglected and/or abused. The parents' attorney will try to convince the court that the statements in the petition are not true, and that the petition should be dismissed. If the court dismisses the petition, the case is over and the child(ren) will be returned to the parents. If the court finds that the petition is true, the court will hold a dispositional hearing.
9. **Dispositional Hearing**--Within thirty (30) days after a trial, the court must hold a dispositional hearing. At the Dispositional hearing the court will decide whether the child(ren) would be returned to the parents, placed in foster care, or placed with a relative. The court will also order DCFS to prepare a service plan.
10. **The Service Plan**--The service plan is a list of things the parent(s) must do before the child(ren) will be returned to them. Usually, service plans require parent(s) to go to parenting classes and counseling. Dependant on the case, the service plan may also require the parent(s) to take the psychological evaluations or drug and alcohol evaluations. After this service plan, parent(s) have ten (10) days to object to the service plan after receiving it. Therefore, **immediately**, upon receiving the service plan, the parent(s) must review it and contact their attorney with any concerns.

Once the service plan is court ordered into effect, the parent(s) **must** complete the requirements of the service plan in order to get their child(ren) back. DCFS must help parent(s) locate services that will help the parent(s) to complete the service plan. But once DCFS has helped you get into services, **it is up to you to complete the services. If parent(s) do not complete the service plan within six (6) to twelve (12) months, DCFS can file a petition to terminate the parent(s) rights and place the child(ren) up for adoption.**

11. **Termination of Parental Rights**--If a parent fails to complete the service plan within six (6) to twelve (12) months after removal or the conduct of the parent(s) is determined by DCFS as being so detrimental to the child(ren) to necessitate a termination petition, DCFS will usually file a petition in Juvenile court asking the court to permanently terminate the parent's rights. If the court grants the termination petition, the parent(s) will no longer have any rights to the child(ren), and the court will order that the child(ren) be placed for adoption.
12. **Appealable Rights**--The parent(s) has the right to appeal the trial decision to terminate his/her parental rights within thirty (30) days of the judge signing and filing the findings of fact and conclusions of law to terminate parental rights. The client must keep in

contact with the attorney during this time. If the attorney receives not contact from the client to discuss appealable issues, the attorney will assume the client does not wish to appeal the decision of the trial court.

13. My attorney has discussed each paragraph of this document and I fully understand all of my rights and obligations expressed above.
14. I have received a copy of this document to take with me and review during the course of the litigation.

Dated this _____ day of _____, 200_.

Father

Dated this _____ day of _____, 200_.

Mother

Dated this _____ day of _____, 200_.

Other